REMARKS

The Examiner is thanked for the courtesy of the brief personal interview on January 14, 2009, as reflected in the Interview Summary prepared by him. Although no specific agreement was reached, the undersigned understands that the proposed amendments to Claim 9 and thus to all the remaining claims which are directly or indirectly dependent thereupon, define the present invention over the prior art of record subject, of course, to further search and reconsideration.

In light of the foregoing amendments, reconsideration of the drawing objections is requested. Claim 16 has been canceled. Claims 10 and 12 have been amended to define the inside profile as a hollow profile, such that this profile can be tubular (see new Claims 20 and 21) or any other shape such as quadrilateral as originally claimed. Paragraph [0039] has been amended so as to provide antecedent consistency between the disclosure and the language of Claims 10, 12, 20 and 21. Reconsideration of the rejection of Claims 10 and 12 under 35 U.S.C. §112, first paragraph, and of Claims 9-19 under 35 U.S.C. §112, second paragraph, is now respectfully requested.

The rejection of Claims 9, 10 and 18 as being unpatentable over Thomsen in view of Talmey et al and McGrath et al, of Claims 11 and 12 as being unpatentable over Thomsen in view of Talmey et al and McGrath et al and further in view of Kotcharian, of Claims 13 and 16 as being unpatentable over Thomsen in view of Talmey et al and McGrath et al and further in view of Fecko et al, of Claims 14, 15 and 17 as being unpatentable over Thomsen in view of

Talmey et al and McGrath et al and further in view of Stitt et al, and of Claim 19 as being unpatentable over Thomsen in view of Talmey et al and McGrath et al and further in view of Kloote et al, each under 35 U.S.C. §103(a), are respectfully traversed. Reconsideration is requested in view of the foregoing amendments and following comments.

Inasmuch as Claim 9 is the only independent claim and each of the above-listed rejections are based on the Thomsen, Talmey et al and McGrath et al prior art, Applicants will focus this comments thereto as was the case at the said interview as to which the following is a summary.

A major feature of the container claimed herein is high structural rigidity in order to meet exacting ISO standards. In that connection, the container must be suitable for stacking up several containers (up to nine stacked containers stacked one above the other) as is typical by the situation on large container vessels in worldwide shipping. But the containers must also have sufficient thermal insulation. The present invention aims to achieve an improved thermal insulation without sacrificing structural rigidity.

Thomsen shows nothing more than a standard ISO-container having the necessary structural rigidity. It totally lacks thermal insulation capability in that the hollow profiles of a rectangular cross section at each corner of the container (Fig. 2) constitute heat bridges between the inner and the outer shell of the container, which has a negative effect on the heat transfer coefficient value.

Talmey et al do not teach the required structural rigidity. Their approach uses prefabricated walls that are combined by resin bodies 174, 176 and by edge profiles (or flanges) that are arranged at the outer and at the inner surface of the container edges. The edge profiles overlap with the panels to be connected. Rivets 118 are used to connect the edges with the panels. Welding is not possible as it would destroy the insulation material (e.g. foamed polystyrene 133) inside a panel. This kind of connection between the panels is insufficient to impart the necessary structural rigidity needed for stacking up several layers of containers on a container vessel and certainly would not meet ISO requirements. In the present invention, the different panels are connected so the edge profiles become part of the overall load bearing structure whereas the Talmey et al flanges are only external supports.

McGrath et al teach side walls that include vacuum panels as thermally insulating material but in a totally unrelated environment. namely "residential kitchen cabinets" (col. 7, line 7) and "refrigerator cabinets" (col. 1, line 34). These are very small containers compared to an ISO-container and involve none of the structural rigidity concerns for stacked containers.

The hypothetical combination of the three references is based on impermissible hindsight reconstruction. Putting that aside, however, the resulting hypothetical combination still does not read on amended Claim 9.

Applicants also seek reconsideration of the objection to the Information Disclosure Statement filed July 14, 2004. The concise explanation has been

provided by, on one hand, incorporating by reference a concise explanation of relevance of the listed non-English prior art or, on the other hand, by references to the foreign search report indicating the degree of relevance, the latter being customary and acceptable Office practice.

Accordingly, early and favorable action is earnestly solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #101280.54981US).

Respectfully submitted,

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